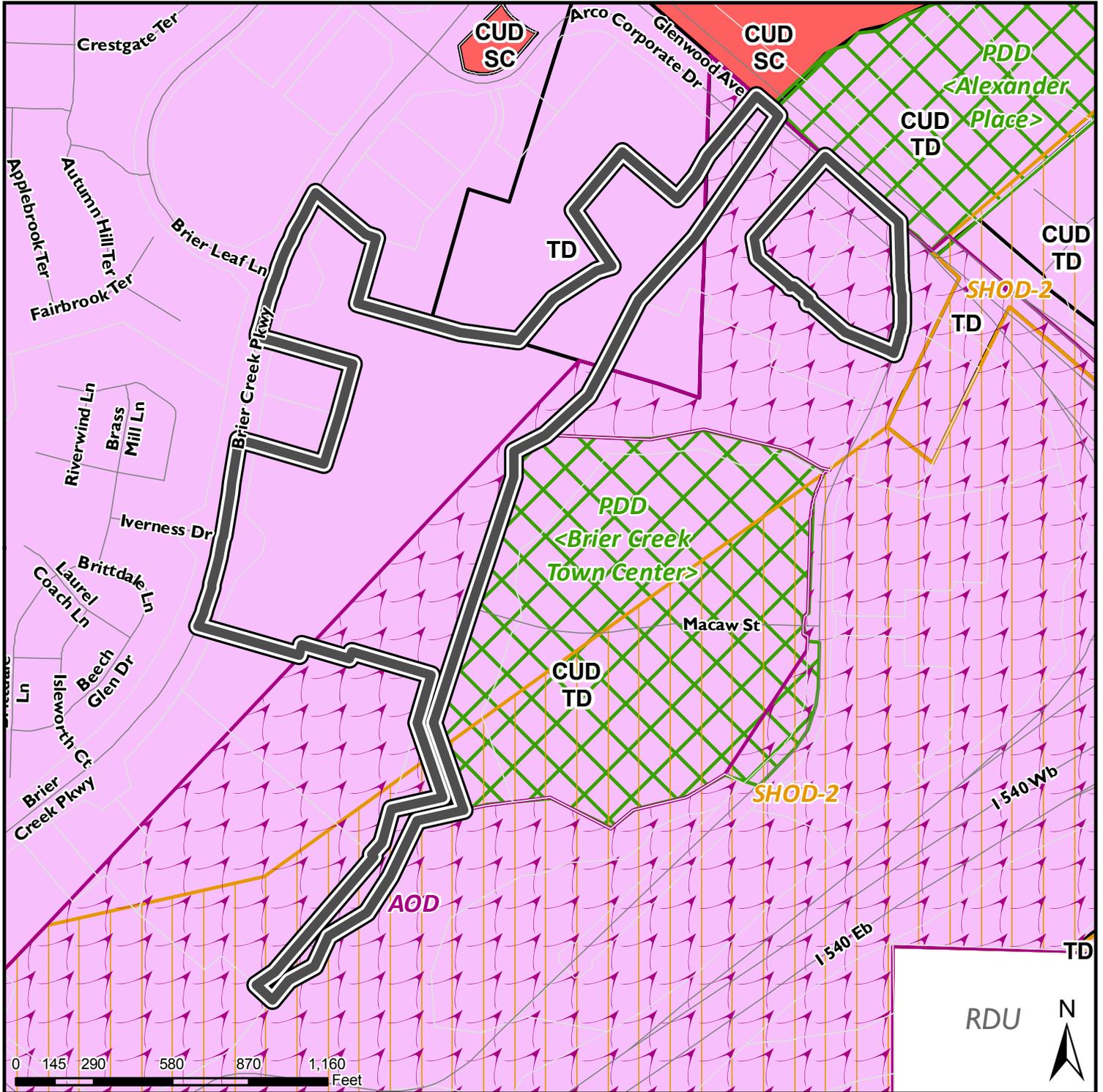


Existing Zoning Map

Z-21-2014

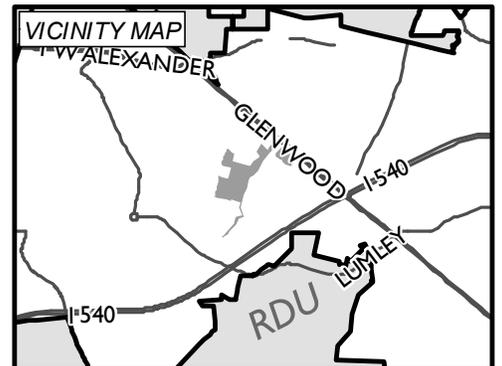


Submittal Date

6/17/2014

Request:

35.89 acres from
TD, CUD TD w/ AOD (part) & SHOD-2 (part)
to CX-5-PL-CU
w/ -AOD & -SHOD-2



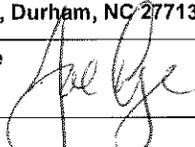


Planning & Development

**Development Services
Customer Service Center**
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan Existing Zoning Classification: TD CUD, partially zoned with AOD and SHOD-2 Proposed Zoning Classification Base District: CX Height: -5 Frontage: -PL Overlay: -AOD and SHOD-2 <hr/> If the property has been previously rezoned, provide the rezoning case number. Z-65-96 <hr/> Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 381882	Transaction Number <div style="font-size: 2em; font-family: cursive;">Z-21-14</div>

GENERAL INFORMATION		
Property Address: 8331 Brier Creek Parkway, 7980 Arco Corporate Drive and 7990 Arco Corporate Drive		Date: June 17, 2014 Revised: <u>July 18</u> , 2014
Property PIN: 0768-44-0719, 0768-55-5829 and 0768-55-7740	Deed Reference (Book/Page): Portion of property described in deed recorded in Deed Book 8507, Page 2359; Deed Book 11051, Page 362 (Lot 1 and Lot 2)	
Nearest Intersection: Brier Creek Parkway and Arco Corporate Drive		Property size (in acres): 35.89 ac, 1.65 ac and 1.88 ac
Property Owner/Address: Brier Creek Commons Limited Partnership and Service Retail at Brier Creek Commons Limited Partnership c/o American Asset Corporation 5950 Fairview Road, Suite 800 Charlotte, NC 28210	Phone	Fax
	Email	
Project Contact Person/Address: Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200, Morrisville, NC 27560 Brian Purdy, McAdams Company 2095 Meridian Parkway, Durham, NC 27713	Phone: 919.590.0388 919.361.5000	Fax
	Email: mbirch@morningstarlawgroup.com purdy@mcadamsco.com	
Owner/Agent Signature 	Email: <u>jdye@aacusa.com</u>	

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.



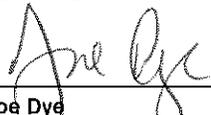
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Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-21-14		Transaction Number
Date Submitted:		
Existing Zoning: TD CUD (Z-65-96)	Proposed Zoning: CX-5-PL-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The following principal uses, as listed in Section 6.1.4 "Allowed Principal Use Table", shall be prohibited on the property: a. Adult establishment
2.	
3.	
4.	
5.	

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature By: <u></u> Name: Joe Dye Title: Service Retail at Brier Creek Commons Limited Partnership	Print Name: <u>JOE DYE</u> Date: <u>7-18-2014</u>
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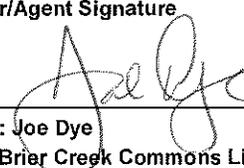
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Owner/Agent Signature By:  Name: Joe Dye Title: Brier Creek Commons Limited Partnership	Print Name: JOE DYE Date: 7.18.2014
--	--



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Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
<p>The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.</p>	<p>Transaction Number</p> <p>Zoning Case Number <i>2-21-14</i></p>

STATEMENT OF CONSISTENCY

Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.

1.	The property is designated Regional Mixed Use, which recommends region-serving retail uses such as department stores and specialty stores, as well as office and high-density residential uses. The rezoning request of CX permits these types of uses and is consistent with the Future Land Use Map guidance.
2.	The property is within a general area under the Recommended Height Designations Table LU-2. Given the property's designation as Regional Mixed Use, the recommended height is seven stories. The rezoning request for a maximum of five stories is consistent with this guidance.
3.	The property is located within a City Growth Center as shown on the Urban Form Map, which encourages significant infill development and redevelopment. A City Growth Center designation encourages an urban or hybrid frontage to encourage walkability. The proposed Urban Limited frontage type is consistent with this guidance.
4.	The property fronts along Brier Creek Parkway, which is designated a Parkway Corridor. Parkway Corridors apply to corridors along which transit is not emphasized, and a suburban frontage type is encouraged. However, there is currently bus service along Brier Creek Parkway, and the south side of Brier Creek Parkway has been targeted for future bus transit stops. Although the proposed Urban Limited frontage type is inconsistent with the Parkway Corridor designation, it is consistent with the City's vision for transit stops along the south side of Brier Creek Parkway by permitting buildings in close proximity to Brier Creek Parkway that can incorporate transit stops.
5.	The rezoning request is consistent with the following Comprehensive Plan policies: LU 1.2 "Future Land Use Map and Zoning Consistency", LU 1.3 "Conditional Use District Consistency", LU 3.2 "Location of Growth", LU 4.9 "Corridor Development", LU 6.3 "Mixed-Use and Multi-Modal Transportation", and LU 6.4 "Bus Stop Dedication."

PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

1.	The rezoning request benefits the public by rezoning property consistent with the Future Land Use Map.
2.	The rezoning request benefits the public by permitting buildings to be located in close proximity to Brier Creek Parkway, and to incorporate transit stops to service the Brier Creek Parkway corridor.

URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

1.	<p>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</p> <p>Response: Brier Creek includes a mix of uses, and the proposed rezoning request permits retail, office and residential uses.</p>
2.	<p>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</p> <p>Response: This guideline is not applicable because the property is not adjacent to lower density neighborhoods.</p>
3.	<p>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</p> <p>Response: No new roads are anticipated as part of this rezoning.</p>
4.	<p>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</p> <p>Response: No new roads are anticipated as part of this rezoning.</p>
5.	<p>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</p> <p>Response: No new roads are anticipated as part of this rezoning, but the existing block lengths comply with this guideline.</p>
6.	<p>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</p> <p>Response: The purpose of this rezoning and the application of the Urban Limited frontage is to permit buildings to be located in close proximity to Brier Creek Parkway, consistent with this guideline.</p>
7.	<p>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</p> <p>Response: The rezoning would permit buildings in close proximity to Brier Creek Parkway, which has sidewalks, and to incorporate transit stops, all consistent with this guideline.</p>
8.	<p>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</p> <p>Response: The portions of the property that would be developed under the proposed rezoning are not at intersections.</p>
9.	<p>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</p> <p>Response: Urban open space will be provided in accordance with the UDO.</p>
10.	<p>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</p> <p>Response: Urban open space will be provided in accordance with the UDO.</p>
11.	<p>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</p> <p>Response: Urban open space will be provided in accordance with the UDO.</p>
12.	<p>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</p> <p>Response: Urban open space will be provided in accordance with the UDO.</p>
13.	<p>New public spaces should provide seating opportunities.</p> <p>Response: Urban open space will be provided in accordance with the UDO.</p>
14.	<p>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</p> <p>Response: Based on the proposed urban limited frontage, parking could not dominate the frontage.</p>
15.	<p>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</p> <p>Response: Based on the proposed urban limited frontage, parking would be located behind future buildings.</p>

16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i></p> <p>Response: No parking structures are contemplated as part of this development.</p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p>Response: It is anticipated that transit stops will be incorporated as part of or located in close proximity to future buildings.</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p>Response: The urban limited frontage requires pedestrian access consistent with this guideline.</p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p>Response: This guideline is inapplicable because future buildings are not proposed in any sensitive areas.</p>
20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p>Response: No new streets are contemplated as part of this development.</p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p>Response: Sidewalks will be provided in accordance with the UDO.</p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p>Response: Street trees and streetscaping will be provided in accordance with the UDO.</p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p>Response: The urban limited frontage forces buildings up to the street, consistent with this guideline.</p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p>Response: The urban limited frontage requires a primary street-facing building entrance, consistent with this guideline.</p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p>Response: The urban limited frontage requires transparency to provide pedestrian interest, consistent with this guideline.</p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p>Response: Sidewalks will be provided in accordance with the UDO.</p>

REZONING OF PROPERTY CONSISTING OF +/- 35.89 ACRES
LOCATED ON THE SOUTH SIDE OF BRIER CREEK PARKWAY, BETWEEN LUMLEY
ROAD AND ARCO CORPORATE DRIVE, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON DECEMBER 17, 2013

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Tuesday, December 17, 2013, at 6:00 p.m. The property considered for this potential rezoning totals approximately 35.89 acres, and is located on the south side of Brier Creek Parkway, between Lumley Road and Arco Corporate Drive, in the City of Raleigh, having Wake County Parcel Identification Numbers 0768-44-0719. This meeting was held at the office of American Asset Corporation, located at 7990 Arco Corporate Drive, Suite 119, Raleigh, NC 27617. All owners of property within 100 feet of the subject properties were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit C** is a list of individuals who attended the meeting.

EXHIBIT A

NEIGHBORHOOD MEETING NOTICE



Mack A. Paul, IV | Partner
630 Davis Drive, Suite 200
Morrisville, NC 27560

919-590-0377
mpaul@morningstarlawgroup.com
www.morningstarlawgroup.com

To: Neighboring Property Owner
From: Mack Paul
Date: December 5, 2013
Re: Notice of meeting to discuss potential rezoning of a portion of the property located on the south side of Brier Creek Parkway, between Brier Leaf Lane and Iverness Drive, containing approximately 35.89 acres, and having Wake County Parcel Identification Number 0768-44-0719 (the "Property").

We are counsel for Brier Creek Commons Limited Partnership ("BCCLP"), which is considering rezoning a portion of the above-captioned Property. The purpose of this proposed rezoning is to permit small retail buildings with integrated transit shelters in close proximity to Brier Creek Parkway.

The Property is currently zoned Thoroughfare District Conditional Use. The City of Raleigh recently adopted a new Unified Development Ordinance, which includes a new set of zoning districts. BCCLP is considering rezoning a portion of the Property to Neighborhood Mixed Use (NX) Conditional Use, which is one of the new zoning districts under the Unified Development Ordinance.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Tuesday, December 17, 2013 at 6:00 p.m. This meeting will be held at the offices of American Asset Corporation, 7990 Arco Corporate Drive, Suite 119, Raleigh, NC 27617.

This meeting is required by the City of Raleigh and is intended to afford neighbors an opportunity to ask questions about the potential rezoning and for the owners to obtain suggestions and comments you may have about it. You are not required to attend, but are certainly welcome. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly should you have any questions or wish to discuss any issues. I can be reached at (919) 590-0377 or mpaul@morningstarlawgroup.com.

EXHIBIT B

LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT

AAC ROSEDALE COMMONS GP LMTD PNTSHP AMERICAN ASSET CORPORATION 3700 ARCO CORPORATE DR STE 350 CHARLOTTE NC 28273-7129	BRIER CREEK COMMONS LMTD PRTNSHP AMERICAN ASSET CORPORATION 3700 ARCO CORPORATE DR STE 350 CHARLOTTE NC 28273-7129
BRIER CREEK CORPORATE CENTER MASTER AMERICAN ASSET CORP 3700 ARCO CORPORATE DR STE 350 CHARLOTTE NC 28273-7129	BRIER CREEK OFFICE #1 LLC AMERICAN ASSET CORPORATION 3700 CORPORATE DR STE 350 CHARLOTTE NC 28273
MID AMERICA APARTMENTS LP 6584 POPLAR AVE MEMPHIS TN 38138-3687	REGAL CINEMAS INC 7132 REGAL LN KNOXVILLE TN 37918-5803
SOUTHLAKE ASSOCIATES AMERICAN ASSET CORPORATION 3700 ARCO CORPORATE DR STE 350 CHARLOTTE NC 28273-7129	TARGET CORPORATION ATTN PROPERTY TAX DEPT T-1794 PO BOX 9456 MINNEAPOLIS MN 55440-9456
WD DEVELOPMENT LLC 1775 GRAHAM AVE STE 201 HENDERSON NC 27536-2997	WIDEWATERS VI BRIER CREEEK CO LLC PO BOX 3 DE WITT NY 13214-0003
BRIER CREEK CORPORATE CENTER ASSOC AMERICAN ASSET CORP 3700 ARCO CORPORATE DR STE 350 CHARLOTTE NC 28273-7129	BRIER CREEK OFFICE #2 LLC AMERICAN ASSET CORP 3700 ARCO CORPRT DR STE 350 CHARLOTTE NC 28273-7129
RETAIL FUND PARCEL HOLDINGS LLC 3700 ARCO CORPORATE DR STE 350 CHARLOTTE NC 28273-7129	WARD VENTURES LLC 6720 MOUNT HERMAN RD MORRISVILLE NC 27560-9698
WMCI RALEIGH III LLC 3951 STILLMAN PKWY STE A GLEN ALLEN VA 23060-4168	

EXHIBIT C

SUMMARY OF DISCUSSION ITEMS

On Tuesday, December 17, 2013, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. No items were discussed because no one attended the meeting.

EXHIBIT D

NEIGHBORHOOD MEETING ATTENDEES

1. None